

ORDINANCE NO. 3588

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING APPENDIX A, FEE SCHEDULE, CHAPTER 98, OF THE NORTH RICHLAND HILLS CODE OF ORINANCES TO ADJUST THE FEES CHARGED FOR BUILDING PERMITS AND INSPECTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the 86th Texas Legislature passed HB852, effective immediately, which prohibits residential building permits and inspection fees from being calculated based on the value of residential property; and

WHEREAS, staff analysis of rates and charges for certain fees charged for building permits and inspections has determined that the associated fees should be adjusted; and

WHEREAS, the North Richland Hills City Council now desires to modify certain fees as set forth in Appendix A, Fee Schedule;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

SECTION 1. The recitals set forth above are found to be true and correct and are incorporated herein into this Ordinance.

SECTION 2. That Section 98-92(a) of the City Code of Ordinances shall be amended to read as follows:

(a) Building Permit Fees.

- (1) *Commercial Construction.* All classes of commercial construction (new, addition, remodel, alteration, etc.) shall pay a building permit fee that is assessed based on the valuation of the project. The fee shall be based on "Table 1(a) — Commercial Building Permit Fees" in Appendix A. The building valuation may be established by current market value of construction or by using the most recent "Building Valuation Data" as published in the Building Safety Journal published by the International Code Council, or may be established as submitted by the permit applicant, whichever is greater. The valuation of construction shall include the fair market value of the work described on the application and shall include architectural, structural,

electrical, plumbing and mechanical work. Except as specifically referenced in "Table 2—Miscellaneous Building Permit Fees" in Appendix A, the building permit fee shall be based on project valuation. The building official is authorized to reject reported construction valuations that are not consistent with local values and construction practices, and may require support data from the applicant in order to demonstrate indicated construction values to his satisfaction.

- (2) *Residential Construction*. All classes of residential construction (new, addition, remodel, alteration, etc.) shall pay a building permit fee in accordance with "Table 1(b), Residential Building Permit Fees," in Appendix A.

SECTION 3. That Appendix A, Fee Schedule, of the North Richland Hills Code of Ordinances be amended by adjusting the fees as established by Sections 98-63, 98-92, and 98-661 as set forth in Exhibit A, attached hereto and made a part of this Ordinance for all purposes to be effective after publication in accordance with applicable law, as set forth below:

- (a) Table 1, Building Permit Fees, shall be replaced by Table 1(a), Commercial Building Permit Fees, and Table 1(b), Residential Building Permit Fees, as set forth in Exhibit A.
- (b) Table 2, Miscellaneous Building Permit Fees, shall be restated as the attached Table 2, Miscellaneous Building Permit Fees, as set forth in Exhibit A.
- (c) Table 3, Mechanical Permit Fees, shall be replaced by Table 3(a), Commercial Mechanical Permit Fees, and Table 3(b), Residential Mechanical Permit Fees, as set forth in Exhibit A.

SECTION 4. All other fees set forth in Appendix A not amended herein in this Ordinance remain unchanged and in full force and effect.

SECTION 5. This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council

without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. The City Secretary is hereby directed to publish this Ordinance in accordance with applicable law.

SECTION 9. This ordinance shall be in full force and effective from and after publication as required by law.

PASSED AND APPROVED on this the 10th day of June, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia McGinnis, City Attorney

APPROVED AS TO CONTENT:

Robert Myers, Director of Budget & Research